

THE HONORABLE JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KALEB J. COLE,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

CASE NO. C24-1062-JCC

ORDER

This matter comes before the Court on Kaleb Cole's 28 U.S.C. § 2255 Petition for Writ of Habeas Corpus (Dkt. No. 1). For the reasons described below, the Court **DECLINES** service, **DISMISSES** this case, and **DENIES** the issuance of a certificate of appealability.

In 2021, Mr. Cole was convicted by a jury of Conspiracy to Mail Threatening Communications, to Commit Stalking, and to Interfere with Federally Protected Activities; Interference with a Federally Protected Activity; and three counts of Mailing Threatening Communications. (*See United States v. Kaleb Cole*, Case No. CR20-0032-JCC-2, Dkt. No. 252 (W.D. Wash. 2021).) The Court sentenced him to 84 months of imprisonment. *Id.* at Dkt. No. 266.

He now moves for 28 U.S.C. § 2255 relief on the basis that the Court lacked subject matter jurisdiction to hear this matter in the first place. (*See generally* Dkt. No. 1.) The Court has reviewed the record and concludes that, indeed, it had subject matter jurisdiction to hear Mr.

1 Cole's criminal case. For this reason, it conclusively finds that Mr. Cole is not entitled to the
2 relief he seeks. *See* 28 U.S.C. § 2255(b). Accordingly, the Court DECLINES to serve Mr. Cole's
3 petition on the Government and DISMISSES this case. Further, it finds that reasonable jurists
4 would not conclude that Mr. Cole's petition states a valid claim for relief. *See United States v.*
5 *Winkles*, 795 F.3d 1134, 1143 (9th Cir. 2015). It, therefore, DENIES issuance of a certificate of
6 appealability.

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8 DATED this 19th day of July 2024.

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12 John C. Coughenour
13 UNITED STATES DISTRICT JUDGE
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